

11-06-06

IFW #1

Express Mail No: EV673966201US

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

Applicants: John L. Schenk and Allison C. Lindsey
Application Number: 10/522,320
Filed: October 17, 2005
Title: Sperm Cell Process System
Assignee: XY, Inc.
Attorney Docket: XY-Optimum-USNP
Customer No. 33549

LETTER OF TRANSMITTAL

To: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Enclosed with this correspondence are the following documents:

1. a second Preliminary Amendment;
2. this Letter of Transmittal along with a credit card payment authorization in the amount of \$1800.00 for additional claim fees;
3. Certificates of Express Mailing and return postcard receipt.

It is noted that Assignee has added new claims 89-121. The newly added claims have been copied from U.S. Patent Application Publication No. US 2005/0244805 A1 to Ludwig et al., published on November 3, 2005, Application No. 11/092,313, filed March 29, 2005, and from the Amendment in Response to Restriction Requirement filed on September 11, 2006 in U.S. Application No. 11/092,313, in order to begin the examination analysis. The Assignee may submit details relative to suggesting an interference at a later date if or when deemed appropriate. Assignee respectfully requests that the Examiner of U.S. Application No. 11/092,313 be notified of such copying of claims. A similar amendment is also submitted by the Assignee in the following U.S. cases: 10/266,562, 11/536,492, and 10/433,183.

Please confirm receipt of the documents by applying your date stamp on the enclosed postcard and returning it to me.

**Please address all future correspondence to the address
corresponding to Customer Number 33549.**

I have this 2 day of November, 2006, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as "Express Mail", postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 2 day of November, 2006.

Respectfully Submitted,
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue
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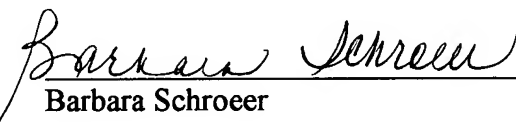
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CERTIFICATE OF EXPRESS MAILING

I, Barbara Schroeer, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited a Letter of Transmittal along with a credit card payment authorization in the amount of \$1800.00 for additional claim fees and a postcard receipt, with the United States Postal Service as "Express Mail" for mailing to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 2nd day of November, 2006.


Barbara Schroeer